

**Government of Himachal Pradesh
Technical Education Department**

No. EDN(TE)E(1)36/2018 Dated: Shimla-2, the 3rd October, 2018

ORDER

In the matter of :-

In O.A. No. 5335/2018

Chaman Lal, S/o Sh. Desh Raj Resident of Village House No. 310, Kashmiri Muhlla, P.O. Subathu, Tehsil & District Solan, HP. Presently transferred from ITI Solan to State of the Art ITI Dharampur, District Solan, aged 55 Years. .

.....Applicant

Versus

- 1. State of H.P. through Principal Secretary (Technical Education) to the Govt. of H.P. Shimla-171002.**
- 2. Director, Technical Education, Govt of HP, Sundernagar, Mandi, HP.**
- 3. Shivender Doegar, S/o late Sh. Onkar Chand Deogar, Dehra Gopipur, District Kangra, HP.**

.....Respondents

The Hon'ble Himachal Pradesh Administrative Tribunal vide its order dated 05.09.2018 in O.A. No. 5335/2018 had directed that the original application is disposed of with a direction that the applicant may file a comprehensive representation for his suitable adjustment to 1st Respondent through the Principal Secretary (Technical Education) to the Govt. of H.P., within five days. 1st respondent shall decide the same after affording an opportunity of being heard to the applicant as well as private respondent No. 3, if so desire, by 25th September, 2018. The applicant, in the meanwhile, is permitted to continue at ITI Solan. Pending miscellaneous application(s), if any, also stands disposed of.

2. Accordingly, the applicant has made a representation dated 07.09.2018 to the undersigned stating that the applicant joined the Department as Instructor in the year 1989 and was given posting at Reckong Peo, District Kinnaur. Thereafter he was given posting at Solan in the year 2007 and was again transferred to Reckong Peo, District Kinnaur in the year 2007 on promotion to the post of Group Instructor. In the year 2011, the applicant was again transferred to ITI Solan and in the year 2011, he was transferred to Shimla, thereafter to Solan and then to Junga. On promotion to the post of Principal, the applicant was posted at ITI Nalagarh in the

month of October, 2015. On 7th June, 2018, he was transferred to ITI Solan and he joined ITI Solan on the same day i.e. 07.06.2018. Now vide Notification dated 01.09.2018, the applicant has been transferred from his present place of posting to State of the Art ITI Dharampur, District Solan.

3. The brief facts of the case are that vide Notification dated 26.05.2018, Sh. Chaman Lal was transferred from ITI Nalagarh, District Solan to ITI Deegal, but Sh. Chaman Lal did not join his duties at ITI Deegal. Thereafter, he was posted at ITI Solan and Sh. Shivender Deogar was transferred to State of the Art ITI Dharampur, District Solan vide Notification dated 07.06.2018. Sh. Shivender Deogar filed an Original Application bearing O.A. No. 3304/2018 before the Hon'ble HPAT and the Hon'ble HPAT vide its judgement dated 17.07.2018 quashed the Notification dated 07.06.2018. Thereafter, keeping in view the judgement dated 17.07.2018, Sh. Chaman Lal was adjused at State of the Art ITI Dharampur, District Solan. But instead of joining at State of the Art ITI Dharampur, District Solan, Sh. Chaman Lal filed the present Original Application.

4. That Applicant in the present O.A. has sought relief that the original application may kindly be allowed and impugned notification dated 01.09.2018 may kindly be quashed.

5. The applicant further sought interim relief that during the pendency of the present Original Application the impugned Notification dated 01.09.2018 may kindly be stayed during the pendency of the Original Application.

6. That the Hon'ble Himachal Pradesh Administrative Tribunal vide order dated 05.09.2018 has disposed of the Original Application with a direction that the applicant may file a comprehensive representation for his suitable adjustment to 1st Respondent through the Principal Secretary (Technical Education) to the Govt. of H.P., within five days. 1st respondent shall decide the same after affording an opportunity of being heard to the applicant as well as private respondent No. 3, if so desire, by 25th September, 2018. The applicant, in the meanwhile, is permitted to continue at ITI Solan. Pending miscellaneous application(s), if any, also stands disposed of."

7. The Respondent No. 3, Sh. Shivender Deogar was also heard in person, who stated that he is working as Senior Scale

Principal at Govt. ITI Solan since the year 2010 and that he was transferred to State of the Art ITI Dharampur, District Solan vide Notification dated 07.06.2018, but he did not join at State of the Art ITI Dharampur, District Solan. He approached the Hon'ble HPAT by filing an Original Application which was registered and numbered as CWP No. 3304/2018 titled as Shivender Deogar Versus State of HP and Others. The Hon'ble HPAT vide order dated 17.07.2018 quashed the Notification dated 07.06.2018 and further ordered that *"it is left open to the respondents/competent authority to transfer the applicant in accordance with law."*

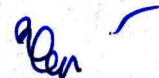
8. I have gone through the entire record and have found that the applicant, Shri Chaman Lal, Principal was working at ITI Nalagarh, District Solan since October, 2015 and completed 3 years stay. Further, the Respondent No. 3, Sh. Shivender Deogar is working at ITI Solan since the year 2010 and that Sh. Shivender Deogar is Senior Scale Principal with Grade Pay of Rs. 6600 and the post of Senior Scale Principal is not available at State of the Art ITI Dharampur, District Solan. The post of Senior Scale Principal is created in the five ITIs in the State of Himachal Pradesh namely (i) Shamshi, District Kullu, (ii) Shahpur, District Kangra, (iii) Solan, District Solan, (iv) Una, District Una and (v) Mandi, District Mandi. There are three Senior Scale Principals who are working in Grade A ITIs namely at Shamshi, Shahpur and Solan. In the other two ITIs namely ITI Mandi and ITI Una, the Principal who are not Senior Scale Principals and getting the Grade Pay of Rs. 5000 are working there. Since the Principal at ITI Una has been ordered to be posted there on 26.02.2018 and has only completed 8 months of stay at Una. Further, the Principal at ITI Mandi has been working there since 26.07.2016 and has completed two years and two months and 7 days of stay at Mandi.

9. Now therefore, undersigned after careful consideration of the facts and circumstances of the case, is of the considered view that the request of the applicant needs to be accepted and accordingly, he is ordered to continue at Govt. ITI Solan and Sh. Shivender Deogar is ordered to be transferred to Grade A ITI at Mandi and the incumbent namely Sh. Tarun Kumar posted at ITI Mandi is ordered to be transferred to ITI Shivabadar, District Mandi against vacant post.

Copy of the order be supplied to the applicant and respondent No. 3 through registered post, Director, Technical Education, HP, Sundernagar.

Place: Shimla-2

Dated: 3rd October, 2018



(R.D. Dhiman)

Principal Secretary (TE) to the
Government of Himachal Pradesh

Registered Letter

1. Shri Chaman Lal,
Principal,
Government ITI Solan,
District Solan, HP.
2. Shri Shivender Deogar,
Principal,
Government ITI Solan,
District Solan, HP.